

REMARKS

Presently, claims 16-30 are pending in this application. Though no amendments have been, made to the claims, Applicant respectfully submits the above Claim Listing. In response to the Notice of Non-Compliant Amendment of June 23, 2008, Applicant respectfully provides the claims with proper status identifiers. No other changes have been made between this Response and that which was submitted on May 8, 2008. Applicant will now respectfully address the Examiner's rejections.

Rejections under 35 U.S.C. 103(a)

Claims 16-30 are rejected under 35 U.S.C. 103(a) as being obvious over Ball in view of United States Patent No. 6,531,951 to Serban ("Serban" hereinafter) or United States Patent No. 3,898,981 to Basham ("Basham" hereinafter). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 16 recites *inter alia*,

"wherein at least one of said first and second carrier foils comprises a multi-layered configuration with at least two layers of different materials having different elastic properties so that the elastic properties of said at least one carrier foil are a combination of the individual elastic properties of said at least two layers."

Contrary to the Examiner's contention at the bottom of page 2 of the Office Action, Applicant respectfully asserts that Basham, as combined with Serban, does not teach a multi-layered configuration with at least two layers of different materials having different elastic properties. Instead, at column 3, lines 9-17, Basham merely indicates each of the layers of the stacked arrangement taught in Basham to be thin enough to allow the composite transducer to be flexible and pliable. Basham is in fact completely silent as to any different materials, different mechanical properties, *or any other differences* between any of the layers of the stacked arrangement. For at least this reason, any proposed combination of Serban and Basham does not teach every element of Applicant's claims.

Applicant further and respectfully asserts that there is no motivation contained in either Serban or Basham that would lead one of ordinary skill in the art to combine Serban with Basham or modify Basham to teach Applicant's claims. This assertion is evidenced by Basham's teachings of a transducer with an operation principle completely different from the foil type pressure sensor taught in Serban and claimed by Applicant.

In a foil type pressure sensor such as that taught by Serban and claimed by Applicant, electrical response of the switch depends on the type of the electrodes, the layer of pressure sensitive material, the design of the electrodes and their arrangement within the active area of the switching element, and on the physical contact established between the electrodes in response to a force acting in the active area. The physical contact between the electrodes is determined by the mechanical response of the switching element to a force acting on the active area. This mechanical response can be described by a membrane model. The deflection of a membrane in a membrane model is proportional to the pressure acting vertically on the membrane, wherein the deflection depends on the elastic properties of the membrane, thickness of the membrane, and the radius of the restraining device (i.e. the dimension of the opening in the spacer film).

Instead of teaching a foil type pressure sensor with operational principles as described above, Applicant respectfully points out that Basham discloses a force responsive transducer that is based on the detection of capacity variance between two

conductive layers. The sensor disclosed by Basham comprises three main conductive layers in a stacked configuration, and two non-conductive layers that are arranged respectively between the conductive layers. The uppermost and the lowermost conductive layers are connected to ground while the middle conductive layer is connected to an evaluation circuit. In operation, the evaluation circuit determines a variation of capacitance of the capacitor formed by the middle conductive layer, the outer conductive layers, the variation being caused by a compression of the multilayered assembly, and the resulting decrease of the distance between the outer conductive layers and the middle conductive layer.

Accordingly, the construction of the Basham sensor is fundamentally different from the construction of the sensors claimed by Applicant and taught in Serban because the sensor according to Basher does not rely on the elasticity of a carrier foil for providing a specific mechanical response that is converted by the electrode arrangement into a resulting electrical response. As a result, Basher does not teach or suggest a force sensitive transducer comprising any carrier foils having specific mechanical properties. For at least these above reasons, Applicant respectfully asserts that there is nothing taught in either Serban or Basher that would lead one of ordinary skill in the art to combine Serban with Basham or modify Basham to teach Applicant's claims.

As the proposed combination of Serban and Basham does not teach every element of claim 16 and claims 17-30 that depend therefrom, and as one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine Basham with Serban, Applicant respectfully submits that *prima facie* obviousness does not exist with regards to claims 1-4, 8, and 10-11.

Conclusion

The rejections herein overcome. Entry of the present Response with Amendment and prompt issuance of a Notice of Allowance are respectfully requested.

Applicant hereby petitions for any necessary extension of time required for consideration of this Response.

Please charge any fees due with respect to this Response, or otherwise regarding the application, to Deposit Account 06-1130 maintained by Applicant's attorneys.

The Office is invited to contact Applicants' attorneys at the below-listed telephone number regarding this Response or otherwise concerning the present application.

Respectfully submitted,

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